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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,137	03/31/2000	Douglas J. Durrant	K35A0568	3023

26890 7590 06/15/2005

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DAYTON, OH 45479

EXAMINER
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RAO, SHEELA S

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/541,137

Applicant(s)

DURRANT ET AL.

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's response to the Office Action has been received, entered and considered.
2. Claims 1-12 are pending. No amendments have been made to the claims.

***Response to Amendment***

3. The double patenting rejection made to claims 1-12 is ***withdrawn*** in light of the submission of a Terminal Disclaimer.
4. The rejection of claims 1-12 under 35 USC § 102(e) as being anticipated by Kazemi et al, USPN 6,381,556 B1 is ***maintained*** and restated below.

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazemi, et al. (USPN 6,381,556 B1).

Kazemi, et al. teaches of a system and method to analyze raw data or manufacturing parameters derived from a manufacturing control facility. The patented reference discloses the use of a data warehouse to store raw data or manufacturing parameters. Then these parameters or data are analyzed through the use of data-mining algorithms. A data analyzer that includes a number of different basic applications is disclosed in detail. See c. 7; ll. 9 et seq.

Additionally, Kazemi teaches the use of the data mining programs to analyze, detect and report the various raw datum or manufacturing parameters. Among the data mining programs, a defect analyzer tool is present to provide the status, to collect, classify, analyze, and interpret defects data collected in the manufacturing pipelines. See c. 19; ll. 63, et seq.

Furthermore, a raw data table is present in the stored databases of the collected and summarized manufacturing parameters. Serial numbers of the boards being processed, start dates, product codes, stop date are among the data that is included in the raw data table. See c. 9; il. 40-54.

The limitations of instant claims 1-12 are taught by the patented reference to Kazemi, et al. For the reasons stated above, the limitations of the claimed invention are taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

### ***Response to Arguments***

7. Applicant's arguments filed April 11, 2005/August 6, 2004 have been fully considered but they are not persuasive.

Applicant focuses arguments on the use of "raw data" as "manufacturing parameters". Examiner agrees that the "raw data" of the patented reference is equated to the "manufacturing parameters" of the instant invention. On page 1, line 20, of the Applicant's disclosure, examples of a series of "manufacturing parameters" is given. The stated list is not finite and explicit definition of the manufacturing parameters. The list is merely stated as an exemplary representation of possible examples of the usable parameters. Exemplary lists are not limiting factors for claimed subject matter and exemplification is not an explicit definition, e.g. "preferred", "such as", "for example", "including". *Teleflex Inc. v. Ficosa North America Corp.*, 63 USPQ 2d 1374, 1381 (Fed Cir. 2002), *Resnord Corp., v. Laitram Corp.*, 60 USPQ 2d 1851, 1854 (Fed Cir. 2001), and MPEP 2111.01. Furthermore, among the listed exemplary limitations are "specific supplier from which a particular lot originated; the shipping method used for transporting the lot to the product manufacturer, or the time of year (date code) that the lot of components were manufactured." Kazemi discloses in column 8, beginning at line 1, that the "raw data is in the form of test logs, including time and date information, serial numbers, products, modules, etc." Thus, the Examiner's association of "raw data" to "manufacturing parameters" is not unreasonable.

Claims 1-12 remain rejected under 35 USC §102(e) as being anticipated by Kazemi et al.

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**Conclusion**

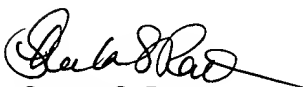
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

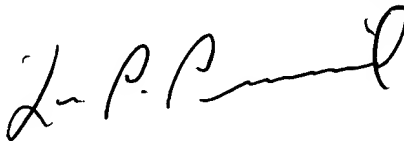
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheela S. Rao  
June 8, 2005



LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100